

1 Sheri L. Kelly, SBN 226993
E-mail: slk@sherikellylaw.com
2 LAW OFFICE OF SHERI L. KELLY
31 E. Julian St.
3 San Jose, CA 95112
Telephone: (408) 287-7712
4 Facsimile: (408) 583-4249

5 *Attorney for Plaintiff Scott Feamster*

6
7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **OAKLAND DIVISION**
11

12 SCOTT FEAMSTER, on behalf of himself
and all others similarly situated,

13 Plaintiff,

14 vs.

15 GACO WESTERN, LLC, d/b/a GACO
16 WESTERN, a Limited Liability Company, and
DOES 1 – 100.

17 Defendants.
18
19
20
21
22
23
24
25
26
27
28

Case No.: 4:cv-18-1327 HSG

STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE DISCOVERY
DEADLINES

Local Rules 6-2 and 7-12

1 Pursuant to Local Rules 6-2 and 7-12, the parties hereby stipulate and agree to continue the
2 discovery cutoff deadlines, as follows:

3 WHEREAS on September 12, 2018, the parties filed their initial Joint Case Management
4 Conference statement, wherein Plaintiff proposed that the dates for the designation of merits
5 experts, discovery cutoff, the hearing of dispositive motions, the pretrial conference, and trial
6 should be set following a ruling on Plaintiff's motion for class certification (*see* ECF 27 at p. 9:19
7 – 22);

8 WHEREAS, the Court held the initial case management conference on September 18,
9 2018, directing the parties to submit a “proposed order setting a case schedule through class
10 certification,” and that “[t]he parties proposed case schedule should include an April 2019 motion
11 for class certification filing deadline;” (*see* ECF 30 – Minute Entry);

12 WHEREAS, on October 9, 2018, Plaintiff filed an unopposed motion for administrative
13 relief to set class certification briefing schedule and ADR deadline, proposing that the opening
14 class certification brief be filed on April 29, 2019, and that the opposition and reply brief be filed
15 on May 24, 2019 and June 14, 2019, respectively (*see*, ECF 33 at 3:15 -21; ECF 36 at 1:25 – 27);

16 WHEREAS, on October 15, 2018, the Court entered a Scheduling Order adopting the class
17 certification briefing schedule proposed by Plaintiff; the Court also ordered that the close of fact
18 discovery was due on 2/15/2019; Opening Reports due by 3/2/2019, Rebuttal Reports due by
19 3/17/2019; and the Close of Expert Discovery due by 4/1/2019 (*see* ECF 38);

20 WHEREAS, the parties have been actively engaged in discovery to date;

21 WHEREAS, the parties have agreed to participate in mediation in April 2019 to potentially
22 resolve this case;

23 WHEREAS, the parties stipulate and agree that, at this time, it would be in the best
24 interests of the parties to conserve their resources by focusing on conducting discovery necessary
25 for the upcoming mediation and class certification determination, and that it would not be in the
26 best interests of the parties to expend the resources necessary to complete all fact and expert
27 discovery by the current deadlines (*see* ECF 38);
28

1 WHEREAS, the parties request that the discovery deadlines in the Court's Scheduling
2 Order (ECF 38) be vacated and reset following a ruling on Plaintiff's motion for class
3 certification;

4 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT, subject to
5 the Court's approval, the discovery deadlines set in the Court's October 15, 2018 Scheduling
6 Order shall be continued, to be reset after this Court's order on Plaintiff's motion for class
7 certification.

8 Dated: February 8, 2019

LAW OFFICE OF SHERI L. KELLY

9
10 /s/ Sheri L. Kelly
SHERI L. KELLY
Counsel for Plaintiff Scott Feamster

11
12 Dated: February 8, 2019

WILSON ELSEY MOSKOWITZ EDELMAN &
DICKER, LLP

13
14 /s/ Vincent J. Adams
VINCENT J. ADAMS
Counsel for Defendant Gaco Western, LLC

15
16
17 **FILER'S ATTESTATION**

18 I, Sheri L. Kelly, attest, pursuant to Civil L.R. 5-1(i)(3), that concurrence in the filing of
19 this document has been obtained from the other signatory to this document.

20
21 Dated: February 8, 2019

LAW OFFICE OF SHERI L. KELLY

22
23 /s/ Sheri L. Kelly
SHERI L. KELLY
Counsel for Plaintiff Scott Feamster

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

The discovery deadlines set in this Court’s October 15, 2018 Scheduling Order shall be continued, to be reset after this Court’s order on Plaintiff’s motion for class certification.

DATED: 2/11/2019



Hon. Haywood S. Gilliam, Jr., District Judge